

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CR. NO. 6:16-cr-00077
	§	
RAMON DE LA CRUZ, JR.	§	

UNOPPOSED MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Fabian Guerrero, Attorney for **RAMON DE LA CRUZ, JR.**, Defendant in the above cause, and files this his Motion for Continuance regarding the sentencing set for August 22, 2018 at 2:30pm.

BACKGROUND

- 1) RAMON DELACRUZ, JR. was arrested on or about September 16, 2016 and charged by criminal complaint with violations of Title 21 USC 846.
- 2) The Defendant is out on bond.
- 3) The Government has filed a Motion to Disqualify the Defendant's attorney G. Allen Ramirez.
- 4) G. Allen Ramirez has played an active role in the discussions, defense and strategy in the above case and has been an invaluable resource.
- 5) The Defendant, RAMON DELACRUZ JR. is facing significant criminal liability exposure based on the most recent amendment to the Presentencing Investigation Report filed in this case.

- 6) Moreover, the Government has informed the undersigned that it intends to bring to the sentencing hearing numerous witnesses.
- 7) In addition, the Government has informed the undersigned that it would at sentencing move that the Court prevent G. Allen Ramirez' participation in the instant case.
- 8) The Motion to Disqualify attorney Ramirez has not been heard by the Court and the interests of justice would best be served by having the Court first consider the Motion to Disqualify before sentencing.
- 9) Should the Court disqualify attorney G. Allen Ramirez the Defendant would be deprived of his choice of counsel and the Defendant should in fairness be allowed to consider the assistance of additional counsel of his choosing.
- 10) In that instant, the Defendant would require a minimum of sixty(60) days in order to secure counsel and to allow him to become familiar with the issues and challenges of the sentencing in this case.

CONTINUANCE

- 11) The Defendant RAMON DELACRUZ herein moves for a continuance so that the Government's Motion to Disqualify G. Allen Ramirez may be heard, considered and be ruled upon
- 12) The Motion to Disqualify impacts the Defendant DELACRUZ's choice of counsel and would require a decision and an opportunity to address the question of DELACRUZ's new counsel should he choose to employ additional assistance.

Fabian Guerrero has conferenced with AUSA with regards to this filing and request for continuance, they have indicated is unopposed and requested the filing of said motion.

WHEREFORE, PREMISES CONSIDERED, Attorney of Record Fabian Guerrero in the above referenced cause respectfully request and prays that this honorable court continue the sentencing set for August 22, 2018 at 2:30p.m. so that justice can be had.

Respectfully submitted,

/s/ Fabian Guerrero
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, FABIAN GUERRERO, hereby certify that a true and correct copy of the above was served on known electronic filing users listed below via the automatic electronic filing notice system on this August 20, 2018. There are no parties to the instant action that are not electronic users.

/s/ Fabian Guerrero
Fabian Guerrero

CERTIFICATE OF CONFERENCE

I, FABIAN GUERRERO, Attorney for Defendant, hereby certify that I conferenced U.S. Attorney for the United States Government and they have stated they are unopposed to a continuance of the sentencing currently set for August 22, 2018 at 2:30p.m. in regards to this matter.

/s/ Fabian Guerrero
Fabian Guerrero